

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 17 JAN 2006

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Applicant's or agent's file reference 200316513-2		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/051462		International filing date (day/month/year) 12.07.2004		Priority date (day/month/year) 30.10.2003
International Patent Classification (IPC) or national classification and IPC H04L29/06				
Applicant HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 18.01.2005		Date of completion of this report 12.01.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Pérez Pérez, J Telephone No. +31 70 340-		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/051462

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-13 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4
	No: Claims	1-3,5-14
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : US 6 195 682 B1 (HO RANDALL S ET AL) 27 February 2001 (2001-02-27)

D2 : WO 99/18534 A (WEB BALANCE INC) 15 April 1999 (1999-04-15)

D3 : US 2003/110257 A1 (HYUN WOOK ET AL) 12 June 2003 (2003-06-12)

- 2 INDEPENDENT CLAIMS 1 AND 7

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 7 is not new in the sense of Article 33(2) PCT.

2.1 Independent claim 1

Document D1 discloses (the references in parenthesis applying to this document):

A method of routing a message, conveyed in stream through a point-to-point connection to a load-balancing element, to one of a plurality of available processing systems each connected to the load-balancing element by separate point-to-point connections comprising at the load-balancing element (column 1, lines 13-40):
extracting the message from the stream;
detecting in the extracted message the presence of an identifier identifying one of the available processing systems;
and where the presence of the identifier is detected, forwarding the message to the processing system identified thereby via the appropriate connection;
otherwise determining a destination processing system for processing the message (column 5, lines 7-21);
inserting into the message an identifier identifying the determined destination processing system; and
forwarding the message to the processing system via the appropriate connection (column 4, line 66 - column 5, line 6).

2.2 Independent claim 7

The same reasoning applies to claim 7, since the subject-matter of the load-balancing

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element of claim 7 fully corresponds to the subject-matter of method claim 1.

4 DEPENDENT CLAIMS 2-6,8-14

Dependent claims 2-6, 8-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Namely document D1 shows the use of a message identifier for identifying related messages and forwarding the messages to the processing server identified by said message identifier (see claim 3 of D1).

Furthermore, document D1 discloses the selection of a processing server depending on the load of the plural available processing servers (see column 2, lines 8-19 of D1)

Furthermore, document D2 suggest the removal of entries of the database after a predetermined amount of time (see page 4, lines 1-15 of D2).

Furthermore, document D3 shows the selection of a least loaded SIP server among a plurality of available SIP servers.